

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SCHENK, Dale B.

Application No.: 09/724,319

Filed: November 27, 2000

For: PREVENTION AND TREATMENT  
OF AMYLOIDOGENIC DISEASE

Confirmation No.: 6653

Examiner: K. Ballard, Ph.D.

Art Unit: 1649

DECLARATION OF  
DR. PETER SEUBERT  
UNDER 37 C.F.R. §1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Peter Seubert, state as follows:

1. My current position is Vice President, Neurodegenerative Research at Elan Pharmaceuticals, Inc., the assignee of the above-captioned application. A copy of my curriculum vitae is attached.

2. I understand that Solomon, US Patent No. 5,688,651 reports that an antibody designated AMY-33 has a putative epitope between residues 25-28 of A $\beta$ . I understand this putative assignment is based on AMY-33 being raised against a 1-28 fragment of A $\beta$ , and Yankner et al., Science 250:279-282 (1990) having speculated that residues 25-35 of A $\beta$  mediated toxic effects. The putative epitope 25-28 represents the intersection of the fragment generating AMY-33 with the 25-35 toxic region hypothesized by Yankner et al.

DK  
considered  
1/3/08